

November 22, 2010

Washington State Department of Ecology  
Shorelands and Environmental Assistance Program  
ATTN: Cedar Buota  
PO Box 47600  
Olympia, WA 98504-7600

Re: Ecology Geoduck Rulemaking for Geoduck Aquaculture—WAC 173-26-201

Dear Ms. Bouta:

I am writing on behalf of the citizens that our organizations represent in Puget Sound. We support Ecology staff in their initial aquaculture rulemaking which we feel is essential to protect Puget Sound native species and the quality of life for Washington citizens. It has been a very frustrating experience that Washington has not required the aquaculture industry to be regulated like all other industries operating in this state in order to avoid environmental impacts.

Since 2006, citizens have documented that geoduck operations are adversely impacting our native species, their habitat and the rights of citizens to enjoy the natural character of the shoreline. The intention of HB2220 was to provide science and protections for our shorelines. To our dismay, the geoduck rulemaking does not accomplish this goal and needs to be strengthened to protect our most pristine environments. The proposed geoduck rulemaking must increase protections for our ecologically intact areas, prevent our native species from being eliminated and not allow our shorelines to become industrial production zones in residential neighborhoods. While industry has led decision makers to believe that our concerns are merely about the view of PVC tubes, the truth is that it is about the destruction of the natural character of the shoreline and the native species we treasure.

Geoduck operations have not been scientifically evaluated and SeaGrant states that their preliminary scientific findings are too incomplete to incorporate. An Environmental Impact Statement should be required and the results should be an integral part of the permit process.

We feel that it is important that the state require a Conditional Use Permit that is also coordinated with a local Shoreline Development permit. The following issues should be addressed in the final geoduck rulemaking:

### 1. Shoreline Designations

The same shoreline designations used for the uplands, should be used in the nearshore aquatic environment. It obviously is in the shellfish industry's best interest to have one aquatic environment that does not protect the very nearshore habitat and native species we are trying to protect and preserve.

Other than native oysters on bottom in natural densities, no aquaculture should be allowed in the natural designation. Certainly, there should be an "Aquatic Natural" designation to protect our most pristine environments. Ecologically intact water areas need to be identified and given protection. In addition, Critical Salmon Habitat and Forage Fish Spawning/Habitat are priority areas that require additional consideration. Adequate buffers are essential to protect these areas from any commercial uses or development.

2. Aquaculture is considered development in counties and changing it to a "use" weakens the protections. Certainly the shellfish industry would like to see this changed and Ecology should not be using this severely flawed and outdated Attorney General Opinion to accomplish this. WAC 173-26-211.

3. "Language added that requires local governments to notify property owners within 300 feet of a proposed project is not adequate." In the rural environments where these geoduck developments are expanding, it is a common occurrence that only one or two homes even know there is an application. This requirement should be expanded to 1,000 feet.

4. "Language added to insure local governments are aware that, based on case law, growers have a right to harvest once geoduck is planted and that evening and odd hour harvesting must be allowed." Once again, citizens have not been heard when now our residential neighborhoods will see industrial operations move in disrupting our sleep at any time industry feels like working. This constitutes a take of property as buyers are not willing to live in an area with this kind of activity increasing. Residents have documented the problems of in the middle of the night noise, lights and smell with the counties they reside in. Since industry is not willing to change their hours of operation, they should not be allowed to expand their operations adjacent to residents.

5. "Language added to allow local governments to non-contiguous parcels under one permit, as long as those parcels are reasonably close geographically. We request this language be deleted as it encourages the expansion of geoduck aquaculture in the nearshore and is not consistent with protecting varied shoreline environments.

6. "Language that encourages local governments to allow submittal of federal or state permit applications in partial fulfillment of local permit application requirements." Citizens should not be denied the right to local protections of their shorelines and this language should be deleted.

7. “Language added to ensure local governments consider the conflicts that may arise from siting incompatible upland uses near existing commercial geoduck aquaculture operations.” This language is not specific enough to understand what an “incompatible upland use would be. Unless this refers to industrial uses on the uplands, it would be considered a take of personal property for the benefit of one industry. We object to this language unless it is clarified and does not restrict the rights of property owners to use their properties in a responsible manner.

For your convenience, the following Youtube is being released that shows continuous video footage of the condition of Totten Inlet shorelines where geoduck feedlots have taken over the once pristine nearshore.

**Puget Sound Aquaculture Industrialization-A Plea for Environmental Healing**  
<http://www.youtube.com/watch?v=inHHrwSe34M>

For many years citizens have pointed out the numerous adverse impacts of geoduck aquaculture in the intertidal. It seems almost pointless to re-iterate all of those impacts again when Ecology staff files are full of citizen comment letters. The lack of individual citizen response to geoduck rulemaking is not because of lack of interest from citizens, but the fact that most citizens feel it is a waste of time because they have not received support from state agencies up to this point.

We will look forward to seeing aquaculture rulemaking that incorporates the comments that we have provided.

Regards,

Curt Puddicombe

On behalf of:  
Coalition to Protect Puget Sound Habitat  
Case Inlet Shoreline Association  
Protect Our Shoreline  
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